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Chairperson: Ms. Gittens-Joseph ..... (Trinidad and Tobago)

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The meeting was called to order at 3.15 p.m.

Organization of work

1. **The Chairperson** drew the Committee's attention to a letter dated 8 November 2000, from the Chairman of the Fifth Committee requesting the Third Committee to revert to consideration of programme 19 of the medium-term plan for the period 2002-2005 relating to human rights (A/55/6) with a view to submitting concrete recommendations to the Fifth Committee before 17 November 2000.

Agenda item 109: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (*continued*) (A/C.3/55/L.66, L.67, L.68, L.69 and L.70)

Draft resolution A/C.3/55/L.66: New international humanitarian order

2. **Mr. Prica** (Bosnia and Herzegovina), introducing the draft resolution on behalf of the sponsors, which had been joined by Azerbaijan, Kuwait and Panama, said that the text was the result of joint efforts by his delegation and that of Jordan. Few countries had experienced as many problems and faced as much widespread suffering due to violations of human rights and humanitarian law as Bosnia and Herzegovina and it was that direct experience over the last decade that had motivated his delegation to co-sponsor the draft resolution.

3. The preambular paragraphs of the draft resolution followed the pattern of previous resolutions on the subject. However, references had been included to some recent reports prepared in the context of the Millennium Assembly and also to reports of the Secretary-General containing a number of constructive suggestions.

4. Paragraphs 1, 2 and 5 followed the pattern of past documents, while paragraphs 3, 4 and 6 attempted to reflect the humanitarian challenge being faced in many parts of the world. In particular, the universally recognized need for greater respect of and adherence to international humanitarian and human rights law was emphasized. It was not enough to sign international agreements and protocols; it was much more important to ensure that all concerned fully respected them. Millions of victims were looking to the Committee to protect them.

5. Several constructive suggestions had been received since the draft resolution had been submitted and it was planned to take them into consideration in a revision of the text.

6. The draft resolution had no budgetary implications for the United Nations and depended on the good will and voluntary offer of expertise by Member States.

Draft resolution A/C.3/55/L.67: Office of the United Nations High Commissioner for Refugees

7. **Mr. Naess** (Norway), introducing the draft resolution on behalf of the sponsors, which had been joined by Bulgaria, Cameroon and the Federated States of Micronesia, said that each year the resolution on the work of the Office of the United Nations High Commissioner for Refugees (UNHCR) provided an opportunity for the international community to respond to the High Commissioner's annual report on the activities of the Office and to highlight the most important aspects from a global perspective. It also allowed the Committee to note certain trends and reflect on how the Office's activities could respond to such trends.

8. The text was similar to that submitted the previous year. However, it contained new elements relating to the imminent celebration of the Office's fiftieth anniversary and, since Mrs. Sadako Ogata would be leaving at the end of the year, expressed appreciation and gratitude for her exceptional dedication and vision. The sponsors hoped that the draft resolution would, as in previous years, be adopted by consensus.

Draft resolution A/C.3/55/L.68: Pledging Conference of the United Nations High Commissioner for Refugees

9. **Mr. Alfeld** (South Africa), introducing the draft resolution on behalf of the sponsors, which had been joined by Brazil, the Netherlands, Portugal and Slovenia, said that the draft resolution approved the relocation of the annual UNHCR Pledging Conference from New York to Geneva, as from 2001. The objective was to improve and rationalize the funding mechanism and adapt it to current needs. It would also make it possible to tie the Pledging Conference more closely to the adoption of the UNHCR annual programme budget

and to the Global Appeal issued as the basis for pledges, thus streamlining the process.

10. Detailed discussions had been held with both the Executive Committee's Standing Committee and relevant departments of the United Nations Secretariat, which had confirmed their agreement to the proposals from both a practical and a legal viewpoint. The sponsors hoped that the draft resolution would be adopted without a vote.

Draft resolution A/C.3/55/L.69: Fiftieth anniversary of the Office of the United Nations High Commissioner for Refugees and World Refugee Day

11. **Mr. Alfeld** (South Africa), introducing the draft resolution on behalf of the sponsors, which had been joined by Brazil, Guinea, the Netherlands, Slovenia and Tajikistan, said that the draft resolution commemorated the fiftieth anniversary of the Office of the United Nations High Commissioner for Refugees and proposed that, as from 2001, 20 June should be celebrated as World Refugee Day. Although the date coincided with that of African Refugee Day, the proposal had been accepted by the Council of Ministers of the Organization of African Unity (OAU). The sponsors hoped that the draft resolution would be adopted without a vote.

Draft resolution A/C.3/55/L.70: Assistance to refugees, returnees and displaced persons in Africa

12. **Ms. Mint Mohamed Saleck** (Mauritania), introducing the draft resolution on behalf of the sponsors, which had been joined by Bangladesh, Colombia, Germany, Italy, the Netherlands, Sweden and the United States, said that the draft resolution was an updated version of last year's resolution and recalled the OAU Convention governing the specific aspects of refugee problems in Africa and other relevant African instruments. The draft resolution was designed to improve the situation of refugees in Africa and the sponsors hoped that it would be adopted without a vote.

Agenda item 110: Promotion and protection of the rights of children (*continued*) (A/55/201 and A/C.3/55/L.18/Rev.2)

Draft resolution A/C.3/55/L.18/Rev.2: The rights of the child (*continued*)

13. **Ms. Perez** (Uruguay) announced that Algeria, Azerbaijan, Belarus, Benin, Bhutan, Botswana, Burkina Faso, Cambodia, Cameroon, China, Congo, Côte d'Ivoire, Egypt, Eritrea, Ethiopia, Georgia, Ghana, India, Indonesia, Israel, Kazakhstan, Kenya, Lesotho, Madagascar, Malawi, Malaysia, Mali, the Federated States of Micronesia, Mongolia, Mozambique, Nigeria, Pakistan, Poland, Senegal, Sierra Leone, Swaziland, Tajikistan, Togo, Turkey, Uganda and Viet Nam had become sponsors of the draft resolution. In part V, paragraph 12, the words "*Calls upon*" should be replaced by the word "*Urges*". In Part II, paragraph 24, the words "*Takes note*" simply meant that the General Assembly was aware of the general discussion on State violence against children held by the Committee on the Rights of the Child on 22 September 2000, but did not imply that any specific measures were being recommended and did not request that any studies should be carried out by any particular body. Such language was quite common in the United Nations and simply expressed recognition of the fact that such a discussion had been held.

14. **The Chairperson** said that, in the light of the statement made by the representative of Uruguay, the Secretariat had informed her that the revised draft resolution had no programme budget implications.

15. **Ms. Newell** (Secretary of the Committee) announced that she had contacted the Director of the Programme Planning and Budget Division and the Controller, as requested by several delegations, to seek clarification of their position with regard to what they had described as the Third Committee's tendency to deal with administrative and budgetary matters in resolutions and decisions, in the context of the relevant provisions of General Assembly resolution 45/248, part B VI. The Controller would be ready to meet with representatives of Canada, Cuba, India, Pakistan and any other delegation assigned to the Third and Fifth Committees with a view to discuss coordination between the substantive and budgetary committees, provided that the appropriate representatives on both Committees were present. The Controller had also expressed concern with regard to Part I, paragraph 7, of draft resolution A/C.3/55/L.18/Rev.2, which had possible budget implications.

16. **The Chairperson** announced that Burundi, Fiji, the Marshall Islands, Nauru, Nepal, the Niger, Papua New Guinea, the Solomon Islands and Vanuatu had become sponsors of the draft resolution.

17. **Ms. Shestack** (United States of America) said that her delegation agreed with the general thrust of the draft resolution but was not a sponsor because it would have preferred that the paragraph on child soldiers place greater emphasis on progress made since the finalization of the Optional Protocol on the Involvement of Children in Armed Conflict. Her delegation would explain its position more fully during discussion of the draft resolution in plenary.

18. *Draft resolution A/C.3/55/L.18/Rev.2, as orally revised, was adopted.*

19. **Mr. Vaswani** (Singapore) also supported the general thrust of the resolution. However, his delegation had once again been unable to co-sponsor it because of concern over part I, paragraph 3, which urged State parties to "review regularly any reservations with a view to withdrawing them". He noted that the Vienna Convention on the Law of Treaties drew a distinction between permissible and impermissible reservations and explicitly permitted reservations compatible with the object and purpose of the relevant convention. Furthermore, article 51 (2) of the Convention on the Rights of the Child prohibited only reservations which were incompatible with the object and purpose of the Convention. It was inappropriate to insist that State parties regularly review permissible reservations with a view to withdrawing them, since the purpose of reservations was to allow as many countries as possible to become party to international treaties at the earliest opportunity, while at the same time providing for flexibility in States' compliance, in keeping with their particular circumstances. To discourage reservations was counterproductive and would deter adherence to international treaties. That would be his delegation's position with regard to permissible reservations in the context of all resolutions.

20. **Ms. Hajaji** (Libyan Arab Jamahiriya) said her delegation had joined the consensus on the draft resolution, but was also concerned that it urged States parties to review reservations with a view to withdrawing them. The Vienna Convention on the Law of Treaties as well as the Convention on the Rights of the Child allowed permissible reservations, which provided States with flexibility in meeting the particular needs of their own societies, thereby encouraging the adherence of the greatest possible number of States to international instruments. There should therefore be no undue pressure on States parties to withdraw their reservations, which could adversely affect the consensus on and universality of international instruments.

21. **Ms. Uluiviti** (Fiji) recalled that her delegation was committed to the rights of the child and had co-sponsored the draft resolution. Her Government had made no reservations to the Convention on the Rights of the Child. However, she reiterated the concerns she had already expressed with regard to the procedures followed during the visit to Fiji of the Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography.

22. **Ms. Diogo** (Canada) pointed out that two footnotes relating to part V, paragraph 14, of the draft resolution had been omitted. Those footnotes had been included in the corresponding resolution in previous years as well as in document A/C.3/55/L.18/Rev.1 and should not have been deleted.

23. **Mr. Bhattacharjee** (India), supported by the representatives of Algeria, the Sudan and Pakistan, said that their delegations had become sponsors of the draft resolution on condition that the1 footnotes in question be removed. If they were restored, those delegations would be obliged to withdraw their sponsorship.

24. **Ms. de Armas Garcia** (Cuba) said that the text, as adopted, was correct. The footnotes in question had been maintained in the past by mistake and the Secretariat had rightly deleted them from the text in document A/C.3/55/L.18/Rev.2. They had been the subject of debate in both the previous and current years and she stressed that, since the text had in any case been adopted without the footnotes, the debate should not be reopened.

25. **Mr. Heyward** (Australia) believed that the footnotes had been omitted in error and that it was standard practice to use footnotes to refer to United Nations undertakings and documents; since those same footnotes had been included in the previous year's resolution, they should be included in the current resolution.

26. **Ms. Perez** (Uruguay) stressed that there had been no negotiations on the footnotes in question.

27. **Ms. Diogo** (Canada) regretted that the footnotes had been deleted without appropriate discussions. However, since the resolution had already been adopted, she would not insist on reopening the debate.

28. **The Chairperson** suggested that the Committee should recommend to the General Assembly that it take note of the report of the Secretary-General on the status of the Convention on the Rights of the Child contained in document A/55/201.

29. *It was so decided.*

Agenda item 114: Human rights questions (*continued*)

(a) Implementation of human rights instruments (*continued*) (A/C.3/55/L.31/Rev.1)

Draft resolution A/C.3/55/L.31/Rev.1: Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights (continued)

30. **Ms. Newell** (Secretary of the Committee) announced that the Controller had expressed concern about the possible budget implications of paragraph 6 of the draft resolution. However, she had been informed that the draft resolution had no programme budget implications.

31. **Ms. Maille** (Canada) announced that Argentina, Denmark, France, Georgia, Germany, Ireland, Japan, Luxembourg, Namibia, the Netherlands, Portugal, Slovenia and Ukraine had become sponsors of the draft resolution. Possible programme budget issues raised during preliminary negotiations had been resolved. There were two minor amendments to the text. Paragraph 4 should be deleted. In paragraph 15, the word "persistent" should be inserted before "backlog"; the paragraph should be divided into two, with paragraph 15 to end at "the treaty bodies", followed by new paragraph 15 bis in which the words "as well as" would be replaced by "*Also reiterates* its concern about".

32. The human rights treaty bodies were at the core of human rights efforts and should not require extrabudgetary resources but should be adequately funded from the regular budget. She supported the request made by the High Commissioner for Human Rights for sufficient resources for the treaty system, which must be included in budget submissions for the next biennium. The vast majority of States were parties to the human rights treaties and it was in their interest to ensure that the treaty body system was strengthened and made more effective. The co-sponsors were confident that the resolution would be adopted by consensus.

33. **The Chairperson** announced that Albania, Belgium, Croatia, Fiji, Finland, Malta, Panama and the Republic of Moldova joined in sponsoring the draft resolution.

34. **Mr. Heyward** (Australia) associated himself with the statement made by the representative of Canada concerning the importance of the treaty bodies to the human rights system and the need to provide them with adequate resources.

35. *Draft resolution A/C.3/55/L.31/Rev.1, as orally revised, was adopted.*

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/55/L.34, L.35, L.40, L.43*, L.44, L.60)

Draft resolution A/C.3/55/L.34: Human rights and cultural diversity (*continued*)

36. **The Chairperson** said that draft resolution A/C.3/55/L.34 had no programme budget implications.

37. **Mr. Alaei** (Islamic Republic of Iran), speaking on behalf of the sponsors, said that several revisions had been made to the draft resolution. All footnotes had been deleted. In the first preambular paragraph, the words "the relevant provisions of" had been deleted and the words "the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of the Child" had been replaced by the words "as well as other pertinent international human rights instruments".

38. After the seventh preambular paragraph, the following new preambular paragraph had been added: "*Recognizing further* that all cultures and civilizations share a common set of universal values".

39. In the eighth (now ninth) preambular paragraph, after the words "religious diversities", the words "as well as dialogue among and within civilizations" had been added.

40. Following that paragraph, the following new preambular paragraph had been added: "*Considering* that tolerance of cultural, ethnic and religious diversities is essential for peace, understanding and

friendship among individuals and people of different cultures and nations of the world, while manifestations of cultural prejudice, intolerance and xenophobia towards different cultures and religions generate hatred and violence among the peoples and nations throughout the world".

41. In the operative part, three new paragraphs had been added after paragraph 1. The new paragraph 2 read: "*Recognizes* the right of everyone to take part in cultural life and to enjoy the benefits of scientific progress and its applications". The new paragraph 3 read: "*Affirms* that the international community should strive to respond to the challenges and opportunities posed by globalization in a manner which ensures respect for cultural diversity of all". The new paragraph 4 read: "*Affirms further* that inter-cultural dialogue essentially enriches the common understanding of human rights and that the benefits to be derived from the encouragement and development of international contacts and cooperation in the cultural fields are important".

42. The following new paragraph 7 had also been added: "*Emphasizes further* that tolerance and respect for diversity facilitate universal promotion and protection of human rights, including gender equality and the enjoyment of all human rights by all".

43. Lastly, paragraphs 7 and 8 had been merged to form a new paragraph 9. The words "*Also requests* the Secretary-General to take also into account, in the analytical portion of the above-mentioned report to the General Assembly" had been replaced by the words "as well as", and the words "and to submit it to the General Assembly at its fifty-sixth session" had been moved to the end of the new paragraph.

44. The following countries had become sponsors: Azerbaijan, Burkina Faso, Chad, Congo, Indonesia and Oman. The Marshall Islands should not have been included in the list of sponsors.

45. *The draft resolution, as orally revised, was adopted.*

46. **Ms. Maille** (Canada) said that her country was a strong advocate of international dialogue on cultural diversity, which was central to development, as well as to world peace and stability. However, measures to foster respect for cultural diversity must be consistent with international human rights law. Moreover, they should not become a barrier to full participation by all in civil, economic, cultural, social and political life, or to the enjoyment of human security. The draft resolution did not adequately address those issues, which was why Canada was not a sponsor.

47. **Ms. Nishimura** (Japan) welcomed the consensus on the draft resolution. The text had been greatly improved, particularly by the addition of the new paragraphs 2, 4 and 7.

48. **Mr. Tapia** (Chile) said that his delegation had joined the consensus but reserved the right to explain its vote in plenary.

Draft resolution A/C.3/55/L.35: Protection of migrants

49. **The Chairperson** said that draft resolution A/C.3/55/L.35 had no programme budget implications. Mozambique had joined the sponsors. A recorded vote had been requested.

50. **Mr. Albin** (Mexico), speaking on behalf of the sponsors, said that the protection of migrants had been an ongoing concern of the United Nations, as reflected in the Universal Declaration of Human Rights and, more recently, in the United Nations Millennium Declaration. Given that the draft resolution merely reiterated the importance of concrete commitments by all States in respect of the protection of migrants, the sponsors had hoped that it would be adopted by consensus. It was thus regrettable that a vote had been requested.

51. **Ms. Shestack** (United States of America), speaking in explanation of vote before the voting, said that her delegation would with deep regret have to abstain. Firstly, it did not agree with the mention in the fifteenth preambular paragraph of advisory opinion OC-16/99 of the Inter-American Court of Human Rights regarding the right to information about consular assistance. Secondly, it considered that the Vienna Convention on Consular Relations, referred to in paragraph 5, fell in the category not of human rights and fundamental freedoms but of obligations between governments.

52. *A recorded vote was taken on draft resolution A/C.3/55/L.35.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bangladesh, Barbados, Belarus, Belgium, Belize,

Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Japan, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Maldives, Mali, Malta, Marshall Islands, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Syrian Arab Republic, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

None.

Abstaining:

India, Israel, Jamaica, Kenya, Malaysia, Micronesia (Federated States of), Myanmar, Singapore, United States of America.

53. *Draft resolution A/C.3/55/L.35 was adopted by 151 votes to none, with 9 abstentions.*

54. **Ms. Chan** (Singapore), speaking in explanation of vote, said that her delegation had abstained since it did not concur with the first part of paragraph 4 concerning the review and revision of immigration policies by States. The Government of Singapore took its responsibilities in respect of the welfare of migrants extremely seriously. All migrants — including temporary migrants — were afforded the same legal protection as citizens. Their contribution to society was also valued. Singapore's policies towards migrants were unavoidably conditioned, however, by national circumstances. The country — with a relatively large, heterogeneous population living in crowded urban conditions — did not possess sufficient resources to enable it to accept an uncontrolled influx of migrants without extensive social and economic disruption.

55. Her Government's position remained unchanged. Immigration policy was a domestic issue within the sovereign jurisdiction of every State and must depend on national circumstances.

56. **Mr. Albin** (Mexico) regretted the need for a vote, especially since a similar text had been adopted by consensus at the fifty-fourth session. It was particularly regrettable that the reference to the Vienna Convention on Consular Relations (para. 16) had posed a difficulty; that instrument, in article 36, established the right of all detained aliens to receive consular assistance without delay. No State could deny that such right was fully recognized in international law. It was also a fundamental basis for due legal process.

57. His own Government, for its part, attached the highest priority to the protection of its citizens abroad, including their right to consular assistance. The consequences of lack of consular notification could be very serious, as in the case of one Mexican citizen whose sentence could have been markedly reduced had his Government received timely notification of his detention abroad.

58. **Mr. Babar** (Pakistan) and **Mr. Manyokole** (Lesotho) said that they would have voted in favour of the draft resolution if they had been present.

Draft resolution A/C.3/55/L.40: Promoting and consolidating democracy

59. **The Chairperson** said that draft resolution A/C.3/55/L.40 had no programme budget implications.

60. **Mr. Ducaru** (Romania), speaking on behalf of the sponsors, said that further revisions had been made to the draft resolution following consultations.

61. In the second preambular paragraph, the words "*Taking note* of" had been replaced with the words

"*Bearing in mind*". After the sixteenth preambular paragraph, a new preambular paragraph had been added which read: "*Noting further* the Forum on Emerging Democracies, held in Sana'a, Yemen, from 27 to 30 June 1999".

62. In paragraph 1, subparagraph (b), a new section had been added to follow section (v) as follows: "By taking appropriate measures to eradicate all forms of racism and racial discrimination, xenophobia and related intolerance".

63. In subparagraph (d) (ii), the words "open to multiple parties" had been deleted. After the words "secret ballot", the words "with full respect for the right to freedom of association" had been added. In subparagraph (d) (iv), after the words "appropriate access", the words "under the law" had been added.

64. In subparagraph (e) (iv), the words "the involvement" had been replaced with the words "consultation with".

65. In subparagraph (f), after the words "good governance", the words "as referred to in the Millennium Declaration" had been added.

66. Lastly, in subparagraph (g) (ii), the word "eliminating" had been replaced with the words "at creating an environment which is conducive to development and to the elimination of".

67. Bangladesh, Bosnia and Herzegovina, Burkina Faso, Cameroon, Fiji, Honduras, Kenya, Madagascar, the Niger, Nigeria, Panama, Sierra Leone and Sri Lanka had joined the sponsors.

68. He hoped that the draft resolution would receive the widest support.

69. **The Chairperson** said that a recorded vote had been requested.

70. **Mr. Ducaru** (Romania) expressed regret that the draft resolution was being put to the vote and urged delegations to vote in favour. The draft resolution would consolidate the role of the United Nations in providing support to States for the promotion of democracy and democratic institutions.

71. **Mr. Stańczyk** (Poland), speaking also on behalf of the Convening Group of the Community of Democracies, namely Chile, the Czech Republic, India, Mali, Portugal, the Republic of Korea and the United States of America, said that it was time to adopt a resolution which reflected the advance of the democratization process in various parts of the world. Several international organizations had adopted instruments under which their member States committed themselves to pursuing democratic policies. Moreover, a succession of conferences of new and restored democracies had highlighted the merits of sharing best practices in promoting and consolidating democracy. The Fourth International Conference on New and Restored Democracies — to be held in Cotonou, Benin, in December 2000 — would give new impetus to democracy in Africa. The Convening Group of the Community of Democracies had also played a crucial role in preparations for the international conference "Towards a Community of Democracies" held in Warsaw in June.

72. The Group attached particular importance to the promotion of the democratic practices and values enumerated in the draft resolution. He trusted that so comprehensive and well-balanced a text would receive unanimous support.

73. **Ms. Hajaji** (Libyan Arab Jamahiriya), speaking in explanation of vote before the voting, said that her delegation had participated in all the informal consultations and was grateful to the sponsors for having accommodated some of its concerns.

74. The Libyan Arab Jamahiriya attached great importance to the draft resolution, which delegations had examined closely in order to ensure conformity with their systems and laws. While the form of democracy upheld by the draft resolution might be suitable for certain countries, there did exist other well-functioning models enjoying popular acceptance elsewhere.

75. The Libyan Arab Jamahiriya was concerned about the prescriptive tone of the draft resolution, which belied the ethos of diversity underpinning the Organization's work. Democracy was both a diverse and universal concept which should not give rise to conflict between civilizations and cultures. In that regard, her delegation was unable to accept paragraph 1 of the text insofar as it sought to impose a single recipe for democracy in contradiction with the principle enshrined in the eighth preambular paragraph.

76. The political pluralism referred to in paragraph 1 (a) did not necessarily mean the multi-party system, but could apply to a system which guaranteed the full and effective participation of all sectors of society in

the decision-making process without representation by parties or individuals. The Libyan Arab Jamahiriya had such a system, in which citizens enjoyed the democratic right to make their voice heard.

77. Her delegation, together with a number of others, had called for the deletion of the reference to "pluralistic" media from paragraph 1 (b) (i). Responsible mass media were ones that served the true interests of society without wasting energy, time and money by indulging in futile arguments.

78. The Libyan Arab Jamahiriya also had reservations about the provisions of paragraph 1 (d) (iv), which openly called for the formation of political parties without taking account of the historical background or cultural and political circumstances of developing countries. As had been seen in Africa, a multi-party system could create dangerous divisions, leading to destabilization and strife. Africa was one of the best examples of the principle that democracy took many forms.

79. For the aforementioned reasons, the Libyan Arab Jamahiriya would abstain in the vote.

80. **Mr. Yu** Wenzhe (China), speaking in explanation of vote before the voting, said that every country had a duty to promote democracy in order to ensure that citizens enjoyed all political rights and freedoms. At the same time, governments had the right to determine their own path to economic and social development after taking into account their country's traditions and particular circumstances. Although the draft resolution recognized that there was no single universal model of democracy, in effect it required all countries to follow one model and was therefore anti-democratic in spirit. Therefore, although his Government always had promoted and always would promote democracy, his delegation would abstain in the vote.

81. **Ms. Ahmed** (Sudan) regretted that her delegation's views had not been taken into account in paragraph 1 of the draft resolution. There was no single model of democracy applicable to all countries and people had the right to choose the form of democracy appropriate to their own social, economic, cultural and political circumstances. Any attempt to impose one model would not help to promote and consolidate democracy.

82. *A recorded vote was taken on draft resolution A/C.3/55/L.40.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gambia, Georgia, Germany, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Latvia, Lebanon, Lesotho, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Sweden, Tajikistan, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu, Venezuela, Yemen, Yugoslavia, Zimbabwe.

Against:

None.

Abstaining:

Bhutan, China, Cuba, Democratic Republic of the Congo, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Malaysia, Myanmar, Qatar, Saudi Arabia, Swaziland, United Arab Emirates, United Republic of Tanzania, Viet Nam.

83. *Draft resolution A/C.3/55/L.40 was adopted by 145 votes to none, with 14 abstentions.*

84. **Mr. Alaei** (Islamic Republic of Iran) said that his Government was committed to the further consolidation of the rule of law and to democratic norms and values, and attached great importance to the draft resolution just adopted. His delegation had therefore voted in favour of the resolution but wished to express its dismay at the inclusion in the sixteenth preambular paragraph of a reference to a conference that had not been convened under the auspices of the United Nations. Since many Member States had not been invited, it could not be claimed that there was universal consensus on the outcome of the Conference. In fact, there was a marked contrast between the attitude of the organizers and hosts of the Conference and the major thrust of the resolution, which was to promote and consolidate democracy.

85. **Mr. Oda** (Egypt) said that his delegation had voted in favour of the draft resolution, which listed many ways to promote and consolidate democracy. However, he stressed that there was no single universal model of democracy; different models shared common features, but the economic, social and cultural circumstances of each country had evolved differently and needed to be taken into account. The need to strike a balance between all human rights in democracies around the world was an issue that needed to be addressed in all international forums.

86. **Ms. Mesdoua** (Algeria) said that her delegation's concerns had not been taken into account in paragraph 1, which was a key part of the draft resolution. Democracy and the protection of human rights were a process — and she was proud to say an irreversible one in her country — that depended on various national and international conditions. There was no single model of democracy that fitted all States. Nevertheless, her delegation had voted in favour of the draft resolution, which had a number of commendable objectives.

87. **Ms. Chan** (Singapore) said that her delegation agreed fully with the basic thrust of the draft resolution and had voted in favour. However, the text proposed only one useful approach to democracy. Each country had to decide for itself what elements it needed in order to consolidate democracy in its own historical, geographical and cultural circumstances. Adherence to the principle of democracy did not prevent societies from formulating specific responses to organized crime and other threats to their welfare and security.

88. **Ms. Nguyen Thi Thanh Ha** (Viet Nam) said that democracy should be promoted both within countries and in international forums. In Viet Nam, democracy continued to be strengthened on the basis of the freely expressed will of the Vietnamese people. However, her delegation did not believe there was one single model that could be applied to all countries and had therefore abstained in the vote.

89. **Ms. Brobbey** (Ghana) said she would have voted in favour of the resolution if she had been present.

90. **Mr. Erdös** (Hungary) said that the progress of democracy was irreversible but could not be taken for granted. It had only recently triumphed in several countries in central and eastern Europe. That region had played a major role in altering the international political landscape 10 years earlier, making the countries of the region particularly sensitive to the democratic aspirations of other countries. The possibility of becoming a member of the European Union was driving democratic change in a number of countries in the region.

91. Although there was no single model of democracy, as noted in the resolution, there were universal democratic values that were fundamental to building a democratic society with respect for the specific circumstances of each country. There were still some anti-democratic and authoritarian regimes attempting, either overtly or in a more subtle way, to misrepresent democracy. Attempts to justify such regimes must be resisted.

92. **Mr. Moret** (France), speaking on behalf of the European Union, said that, although there was no single model of democracy, there was a body of recognized and indisputable principles that allowed democracy to flourish. Democracy was the result of a sometimes quick and sometimes long and difficult learning process involving many factors. Nevertheless, all democracies shared certain basic principles, as reflected in the broad support for the resolution just adopted. All peoples aspired to the ideal of democracy; its principles needed to be put into practice.

93. **Ms. Nishimura** (Japan), speaking also on behalf of Andorra, Australia, Canada, New Zealand, Norway and San Marino, welcomed the adoption of the draft resolution, which stipulated the important features of democracy and which would help democracy spread even further. It was the result of very open, constructive consultations and would give guidance on democracy and human rights at the beginning of the new millennium.

Draft resolution A/C.3/55/L.43: Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (continued)*

94. **The Chairperson** invited the Committee to take action on draft resolution A/C.3/55/L.43*, which had no programme budget implications. Azerbaijan, Benin, Nigeria, Panama and Turkey had joined the list of sponsors.

95. **Mr. Naess** (Norway) announced three changes to the text: in the third preambular paragraph, the words "*Welcoming* in this regard" should be replaced by "*Taking note* of"; in paragraph 3, the words "within their mandates" should be inserted after "organizations"; and, in paragraph 5, the words "*Calls upon*" should be replaced by "*Invites*".

96. **Ms. Mesdoua** (Algeria) said that there had been no open consultations on the revisions just announced. She expressed reservations about the new wording of paragraph 5, but would go along with the consensus as the topic addressed by the draft resolution was such an important one.

97. *Draft resolution A/C.3/55/L.43*, as orally revised, was adopted.*

98. **Ms. Haj Ali** (Syrian Arab Republic) said that, pursuant to the Declaration, States should not interfere in the internal affairs of other States. In addition to conferring rights on non-governmental organizations, the Declaration also imposed on them the responsibility of defending the rights of all individuals and peoples against abuse, without distinction of any kind.

99. With regard to the right of the individual, provided for in the Declaration, to communicate with non-governmental or intergovernmental organizations, she stressed that such organizations must be established and licensed in accordance with national law.

100. With regard to the right to receive resources for the promotion and protection of human rights and fundamental freedoms, her delegation had emphasized during discussions prior to the adoption of the Declaration that the receipt of resources could not be considered as an absolute right, and she wished to reiterate that point.

101. Her delegation understood article 20 of the Declaration to affirm the concept of the sovereignty and independence of States and the principle of non-interference in the internal affairs of others, principles which created a positive climate for discussion and mutual understanding between peoples and strengthened protection for human rights.

102. She was disappointed that, while the draft resolution referred to a special representative who would report on the situation of human rights defenders in all parts of the world, no mention was made of the responsibility borne by non-governmental organizations to defend the human rights and fundamental freedoms of all individuals and peoples against abuse, without distinction of any kind, despite the fact that such a responsibility was proclaimed in the title of the Declaration. Her delegation could not, therefore, join in the consensus.

The meeting was suspended at 6.05 p.m. and resumed at 6.40 p.m.

Draft resolution A/C.3/55/L.44: Strengthening of the rule of law (continued)

103. The Chairperson said that the draft resolution had no programme budget implications. Burkina Faso, Ethiopia, Malaysia, Mauritius and the Solomon Islands had become sponsors of the draft resolution. Jordan had withdrawn as a sponsor.

104. **Mr. Coimbra** (Brazil) said that, following consultations, the word "international" should be inserted before the words "financial institutions" in paragraph 9. He hoped that the resolution could be adopted without a vote.

105. **Ms. Hajaji** (Libyan Arab Jamahiriya) thanked the sponsors for clarifying the reference to "financial institutions". The High Commissioner should continue to explore contacts with those institutions. Private financial institutions, however, imposed specific conditions on all parties and countries requesting support. That diminished the transparency of the activities of the High Commissioner, in terms of assistance to national projects and strengthening of the rule of law and respect for human rights.

106. *Draft resolution A/C.3/55/L.44, as orally revised, was adopted.*

Draft resolution A/C.3/55/L.60: Extrajudicial, summary or arbitrary executions (continued)

107. **The Chairperson** noted that the draft resolution had no programme budget implications. Albania, Benin, Brazil, Ecuador, Honduras, Malta and New Zealand had become sponsors.

108. **Ms. Newell** (Secretary of the Committee) said that the Controller had observed that, in paragraph 21 of document A/C.3/55/L.60, the Secretary-General was requested "to provide the Special Rapporteur with an adequate and stable level of human, financial and material resources to enable her to carry out her mandate effectively, including through country visits". The attention of the Committee was also drawn to the provisions of General Assembly resolution 45/248, part B VI.

109. She then read out the revisions which had been announced by the delegation of Finland during the introduction of the draft resolution.

110. **Ms. Elliott** (Guyana), speaking also on behalf of the delegations of Antigua and Barbuda, Bahamas, Barbados, Belize, Dominica, Grenada, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname and Trinidad and Tobago, said that those delegations would join in the consensus on the draft resolution. They denounced extrajudicial, summary or arbitrary executions in any form whatsoever, viewing them as a serious violation of the right to life of the victims, and wished to reaffirm the important principle of upholding the rule of law, which included the right to a public trial before an independent and impartial judiciary. They recognized the important role of the Special Rapporteur in highlighting instances of such executions.

111. The delegations on whose behalf she was speaking fully supported the goal of eradicating extrajudicial, summary or arbitrary executions and believed that, by and large, the draft resolution addressed in a forthright manner a number of national and international measures to achieve that goal. However, they had concerns regarding paragraph 19, which seemed to have influenced the Special Rapporteur to express personal opinions on the legitimate implementation of the death penalty, including her perception of the desirability of abolishing it. They found it regrettable that the criminal and legal systems of sovereign States which provided for the death penalty only after due process had been linked to such despicable crimes as extrajudicial, summary or arbitrary executions, and that the legitimate concerns of such States had not been reflected in the draft resolution. Furthermore, they believed that paragraph 7 exceeded the scope of the draft resolution.

112. The time had come for the United Nations to review the manner in which the mandate of the Special Rapporteur was interpreted as well as the way in which decisions were taken regarding the extension of that mandate, and to send a strong signal to the Special Rapporteur that her mandate should be fully respected.

113. *Draft resolution A/C.3/55/L.60, as orally revised, was adopted.*

114. **Ms. Hajaji** (Libyan Arab Jamahiriya) said that her delegation supported the consensus, although it had reservations with regard to the sixth preambular paragraph and paragraph 3, which both referred to the International Criminal Court. Her Government had not signed the document establishing that the Court and the Statute of the Court had not yet entered into force. Important issues relating to the structure of the Office of the Prosecutor and other matters had still to be addressed. The Libyan Arab Jamahiriya considered that the Court had been established by the powerful, who wished to impose their will on the weak and vulnerable. The strong would never be adjudicated by the Court. In the informal consultations, changes proposed by her delegation in the two paragraphs had not been accepted. It did not oppose the draft resolution as such, but the references to the International Criminal Court.

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/C.3/55/L.42/Rev.2, L.49, L.50, L.51/Rev.1 and L.62/Rev.1)

Draft resolution A/C.3/55/L.42/Rev.2: Situation of human rights in parts of South-eastern Europe (continued)

115. **Mr. Carle** (United States of America) introduced the revised draft resolution on behalf of the sponsors, which had been joined by Andorra, Australia, the Czech Republic, Estonia, Hungary, Italy, Japan, Jordan,

Malta, Monaco, the Netherlands, New Zealand, Norway, Poland, Spain and the United Kingdom. The text supported the positive changes in the region, particularly in Yugoslavia. The revised draft resolution had not considered the human rights situation in Croatia, because the new Government's efforts to incorporate human rights practices had marked a positive departure from the recent past. It exhorted Bosnia and Herzegovina to demonstrate additional improvement, encouraged Yugoslavia to continue along its new path and focused on the continuing problems and notable improvements in Kosovo.

116. The Organization's continued insistence that the countries of the region should fulfil their human rights obligations, together with the efforts to help them do so, had contributed significantly to the encouraging signs in the region. The revised draft resolution attempted to support the work of the various United Nations agencies and the international community to institutionalize human rights and fundamental freedoms and make them part of the civil societies in the countries of South-eastern Europe. Nevertheless, it continued to emphasize the ongoing issues related to returning refugees, minority rights, collaboration with the War Crimes Tribunal in The Hague and the growing problem of trafficking in women. The sponsors hoped that the revised draft resolution would be adopted without a vote.

Draft resolution A/C.3/55/L.51/Rev.1: Situation of human rights in the Sudan

117. **Mr. Chataigner** (France) introduced the draft resolution on behalf of the European Union, the original sponsors, and Andorra, Canada, Iceland and San Marino. While reflecting the principal concerns expressed by the Special Rapporteur and the Committee's concern that the situation of human rights in the Sudan needed to be improved, the draft resolution had preferred to adopt a constructive approach. It particularly welcomed the undertakings given by the Government of the Sudan at the International Conference on War-Affected Children, held in Winnipeg, from 10 to 17 September 2000. The sponsors hoped that the draft resolution would be adopted without a vote.

Draft resolution A/C.3/55/L.62/Rev.1: Situation of human rights in the Democratic Republic of the Congo

118. **Mr. Magro** (France) introduced the revised draft resolution on behalf of the European Union, the original sponsors, and Japan and Monaco. The European Union remained extremely concerned about the human rights situation in the Democratic Republic of the Congo, resulting from the continuation of the armed conflict that directly affected the civilian population. The sponsors hoped that the revised draft resolution would be adopted without a vote.

Draft resolution A/C.3/55/L.49: Situation of human rights in the Islamic Republic of Iran (continued)

119. **The Chairperson** noted that the draft resolution had no programme budget implications. Estonia, Latvia and Malta had been announced as sponsors when the draft resolution had been introduced. The Czech Republic was not a sponsor.

120. **Mr. Moret** (France) announced the addition of Australia and Norway to the list of sponsors and some minor corrections in the French and English versions of the text.

121. **Mr. Alaideroos** (Yemen) said that his country was fully committed to international instruments and conventions relating to human rights, but saw the issue of human rights as an indivisible whole. It would denounce any attempt to violate human rights wherever those violations occurred and without any exception. He rejected any attempt to politicize human rights questions and use them as a means to target selected peoples and countries in order to interfere in the internal affairs of those countries and to undermine their sovereignty and national values. Double standards and biased approaches would greatly undermine the primary principles of human rights.

122. His delegation had therefore decided not to participate in voting on any resolutions on the situation of human rights in individual countries. It reserved the right to give a detailed explanation of vote in the General Assembly when such draft resolutions were considered.

123. **Mr. El-Murrada** (Sudan), speaking in explanation of vote, before the voting, said that his delegation rejected in principle any selective approach or double standard in addressing human rights situations. It also rejected the politicization of human

rights questions. No country could claim to be free of human rights violations. He therefore expressed total opposition to a selective approach which targeted individual countries, all of which were developing countries, for criticism. The time had come to end such selectivity, which was in itself a form of violation of human rights. Violations of human rights in any part of the world must be resolved through serious and constructive dialogue. Unfounded accusations whose primary objective was to tarnish the reputation of certain countries would not help that process. His delegation would therefore vote against the draft resolution.

124. **Mr. Nejad-Hosseinian** (Islamic Republic of Iran) said that, in recent years, the resolution on the situation of human rights in the Islamic Republic of Iran had failed to win the support of a respectable majority of Member States. The immediate cause was the sponsors' refusal to contemplate cooperation, which was the cornerstone of activities for the effective promotion and protection of human rights. The process of adoption of resolutions had done a disservice to the promotion and protection of human rights in the Islamic Republic of Iran, having hardly any positive impact on the actual situation in the country, and had not generated the necessary momentum among non-State actors in advocating human rights. The ongoing popular reform process could be described as a home-grown, self-sustaining and irreversible process, which would lead to the further institutionalization of the rule of law, democracy and the promotion and protection of human rights. His Government had expressed its readiness on numerous occasions to work closely with the sponsors and engage in a meaningful discussion designed to develop an agreed plan addressing the key components, including a visit by the Special Representative to the Islamic Republic of Iran. In the light of ongoing developments in his country, other practical alternatives to the current mechanisms could also be contemplated. His Government firmly believed that any international initiative should be innovative, constructive and encouraging, based on cooperation and a promotional approach. The current process and attitude towards the Islamic Republic of Iran contradicted those criteria and should not be continued.

125. His Government continued to be fully committed to the promotion and protection of human rights and fundamental freedoms and was firmly determined to pursue the necessary policies to that end.

126. **Mr. Yu Wenzhe** (China), speaking in explanation of vote before the voting, said that in recent years the Iranian Government had made great efforts to develop its economy, strengthen democracy, and promote and protect the human rights and fundamental freedoms of its people. It had also achieved positive results through international cooperation in the field of human rights. The international community should allow all countries to choose their own course of development according to their specific situations. Differences on human rights issues should be narrowed through dialogue and cooperation. Country-specific resolutions exerting pressure on the countries concerned could only produce contrary results. His delegation would therefore vote against the draft resolution.

127. **Ms. Mesdoua** (Algeria) said that her delegation was unable to support the draft resolution. Iran had made progress in promoting and protecting human rights, and that progress had been recognized by the Special Rapporteur in his interim report. In all cases, the cause of human rights could be served only by dialogue and cooperation. Any other approach would jeopardize progress. The international community should encourage and support the efforts of the Islamic Republic of Iran and commence constructive dialogue with that country.

128. **Mr. Bhatti** (Pakistan), speaking in explanation of vote before the voting, said that human rights had to be considered in an objective and fair manner, and should not be used to promote political agendas. Dialogue and constructive engagement should guide efforts for the promotion and protection of human rights. In that spirit, the Committee had for many years been adopting by consensus a resolution on the enhancement of international cooperation in the field of human rights. That resolution had been adopted on the previous day. Regrettably, the draft resolution under discussion lacked that constructive spirit and ignored numerous steps which the Government of the Islamic Republic of Iran had taken for the promotion and protection of human rights. The draft resolution appeared to be selective, and motivated by political considerations. Such an approach negated the spirit of constructive engagement, and the objective of the promotion and protection of human rights. His delegation would therefore vote against the draft resolution.

129. *A recorded vote was taken on draft resolution A/C.3/55/L.49.*

In favour:

Andorra, Australia, Austria, Bahamas, Barbados, Belgium, Belize, Bulgaria, Canada, Costa Rica, Côte d'Ivoire, Czech Republic, Denmark, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malawi, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Nauru, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Saint Vincent and the Grenadines, San Marino, Slovakia, Slovenia, Solomon Islands, Spain, Suriname, Swaziland, Sweden, Trinidad and Tobago, United Kingdom of Great Britain and Northern Ireland, United States of America, Yugoslavia.

Against:

Afghanistan, Algeria, Armenia, Azerbaijan, Bahrain, Bangladesh, Belarus, Benin, Bhutan, Brunei Darussalam, Burkina Faso, Chad, China, Comoros, Congo, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Egypt, Gambia, Ghana, Guyana, India, Indonesia, Iran (Islamic Republic of), Jordan, Kazakhstan, Kuwait, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Malaysia, Maldives, Morocco, Myanmar, Oman, Pakistan, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, Sri Lanka, Sudan, Syrian Arab Republic, Tajikistan, Tunisia, Turkmenistan, United Republic of Tanzania, Venezuela, Viet Nam, Zimbabwe.

Abstaining:

Angola, Antigua and Barbuda, Argentina, Bolivia, Botswana, Brazil, Cameroon, Cape Verde, Chile, Colombia, Croatia, Cyprus, Dominican Republic, Ethiopia, Georgia, Guinea, Haiti, Jamaica, Kenya, Lesotho, Madagascar, Mali, Mauritius, Mexico, Mozambique, Namibia, Nepal, Nicaragua, Nigeria, Panama, Papua New Guinea, Paraguay, Peru, Republic of Korea, Republic of Moldova, Rwanda, Saint Lucia, Singapore, South Africa, Thailand, The former Yugoslav Republic of Macedonia, Togo, Uganda, Ukraine, United Arab Emirates, Uruguay, Vanuatu, Zambia.

130. ***Draft resolution A/C.3/55/L.49 was adopted by 58 votes to 53, with 48 abstentions.***

131. **Ms. Ito** (Japan) said that her delegation had supported the draft resolution because her Government had high regard for the progress made by the Government of the Islamic Republic of Iran in the field of human rights, and welcomed its efforts to further improve that situation. The approval of legislation raising the minimum age of marriage and the improvements made in the status of women in areas such as education, training and health should have been welcomed in the draft resolution. The international community should encourage the Iranian Government to continue its efforts to improve the human rights situation, so that in future it would no longer be necessary to adopt draft resolutions on the subject.

132. **Mr. Maquieira** (Chile) said that his Government continued to be concerned about the situation with regard to the rights of women in the Islamic Republic of Iran, where there were still provisions which were incompatible with international standards, and about the exercise of the rights to freedom of expression and religious freedom and respect for minorities. His Government actively supported the work of the United Nations in the protection and promotion of human rights where those rights appeared to be threatened. His delegation had abstained in the vote on draft resolution A/C.3/55/L.49 in order to show support for the efforts which the Government of the Islamic Republic of Iran was making to improve the human rights situation, and to encourage that Government to expand its cooperation with the United Nations in the field of human rights and grant permission to the Special Representative to make a visit before the next session of the Commission on Human Rights.

133. **Ms. Austria-Garcia** (Philippines) said that her delegation had voted against draft resolution A/C.3/55/L.49 because it believed that the Islamic Republic of Iran had made progress in improving the human rights situation, as described in the interim report by the Special Representative and acknowledged in the draft resolution itself. The Iranian Government had also made strides in the promotion of human rights in the region, and would be hosting the Asian regional preparatory meeting for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, in February 2001. Her Government encouraged the Islamic Republic of Iran to continue its efforts for the promotion and protection of human rights, especially in the Asian and Pacific region.

134. **Mr. Vienravi** (Thailand) said that his Government welcomed the significant progress made by the Islamic Republic of Iran in the field of human rights, especially in improving the status of women in areas such as education, training and health. It also welcomed the holding of parliamentary elections in February-March 2000 with the broad participation of the Iranian people, and recognized and commended the commitment and efforts made by the Iranian Government to promote human rights and the rule of law. His delegation had therefore abstained in the vote on draft resolution A/C.3/55/L.49. It hoped that the Iranian Government would continue its efforts and encouraged it to pursue dialogue and cooperation with the United Nations, including the Special Representative.

135. **Mr. Coimbra** (Brazil) said that his delegation had abstained in the vote on draft resolution A/C.3/55/L.49. Brazil recognized the legitimacy of international concern about the human rights situation in any country or region of the world, and believed that the evolution of the situation in the Islamic Republic of Iran should be followed closely. It acknowledged the positive developments which had taken place under the new administration, and hoped that the democratic reforms would continue and would lead to the effective promotion and protection of all human rights and fundamental freedoms, and that obstacles would be overcome through active cooperation between the international community and the Iranian Government. Brazil encouraged the Government of the Islamic Republic of Iran to continue to cooperate with United Nations human rights mechanisms with a view to addressing allegations of discrimination against minorities, improving the enjoyment of rights by women, and ensuring the exercise of freedom of expression, opinion, association and assembly.

136. **Mr. Zoumanigui** (Guinea) said that his Government recognized that respect for human rights must be universal and should be an essential component of all human rights undertakings. The interim report of the Special Representative recognized that substantial progress had been achieved in the Islamic Republic of Iran, and that progress was also acknowledged in the draft resolution. His Government welcomed those achievements and encouraged the Iranian Government and people to persevere in their efforts. While favouring dialogue and cooperation, his delegation wished to stress the complexity of Iranian society, and hoped that the international community would support the process undertaken by the new authorities in the Islamic Republic of Iran. His delegation called on all components of Iranian society to work together to attain the objectives sought. It hoped that the Iranian authorities would give favourable consideration to the request for a visit by the Special Representative. His delegation had therefore abstained in the vote on the draft resolution.

137. **Ms. Hajaji** (Libyan Arab Jamahiriya) said that, once again, the Committee was faced with an unbalanced and political draft resolution; her delegation had voted against it. The targeting of certain countries by such texts would not help the promotion and protection of human rights. The real motive behind the draft resolution was to brand the Islamic Republic of Iran as a pariah State and isolate it. Yet the Islamic Republic of Iran had a history, philosophy and civilization and was well known for its major contributions to all spheres of life. Her delegation believed that it was necessary to be patient and await the results of the reform process which was currently under way in that country. Political pressure and the politicization of human rights issues would not be of any benefit, and human rights would suffer from such an approach.

Draft resolution A/C.3/55/L.50: Human rights situation in Iraq

138. **The Chairperson** said that the draft resolution had no programme budget implications.

139. **Mr. Moret** (France) said that Kuwait and the United States of America had become sponsors of the draft resolution. He drew attention to two minor errors in the French text.

140. **Mr. Al-Rubaie** (Iraq) said that the draft resolution reiterated the substance of previous resolutions adopted by the Committee as part of a decade-long campaign of aggression led by the United States against Iraq. The draft resolution was politically motivated and had nothing to do with human rights. The fact that it presented as true uncorroborated allegations and statements whose veracity the Special Rapporteur himself had been unable to confirm only underlined its political nature.

141. As indicated in his report (A/55/294, para. 64), the Special Rapporteur needed to conduct further consultations with the Government of Iraq to verify the

allegations received and further analyse specific issues. Paragraph 10 of the same report admitted the difficulty of verifying allegations submitted mainly by Iraqis living outside of country

142. The fifth preambular paragraph referred inter alia to Security Council resolution 686 (1991), which called upon Iraq to release all Kuwaitis and nationals of other States who might still be held in detention, as one of the conditions for declaring the ceasefire. Between 2 March and 3 April 1991, Iraq had released a total of 6,222 prisoners and detainees. Accordingly, resolution 687 (1991) made no further reference to prisoners, but only to the question of missing persons.

143. The provisions of resolution 688 (1991) concerning the human rights situation in Iraq had set a dangerous precedent for interference in the internal affairs of States. Three Member States had voted against it, while two others had abstained. The Government of Iraq nonetheless cooperated with international and non-governmental organizations providing humanitarian assistance throughout the country. Indeed, Iraq appreciated any effort aimed at alleviating the suffering caused by the sanctions.

144. All the treaty bodies referred to in the sixth preambular paragraph of the draft resolution had drawn attention to the adverse effects of the sanctions on the Iraqi people. The Committee on the Elimination of Racial Discrimination had called for the lifting of the embargo, which had been described as violating international humanitarian and human rights law. The fact that the draft resolution made no mention of the sanctions gave the impression that the Third Committee was not concerned about one of the most flagrant violations of Iraqi human rights.

145. The oil-for-food programme, to which the seventh preambular paragraph alluded, had singularly failed to reverse the decline in the humanitarian situation or to rehabilitate basic infrastructure and services destroyed during the 1991 aggression. Iraq's resulting humanitarian catastrophe had been detailed in the reports of the specialized agencies and of the International Committee of the Red Cross.

146. The oil-for-food programme had been badly designed. Since 1996, Iraq had earned a total of $34.9 billion from oil sales, yet a mere $8.8 billion had been allocated for humanitarian supplies. A further $10.4 billion had gone into the Compensation Fund and $1 billion used for administrative costs. The bank was holding a further $11.4 billion that ought to have been allocated for humanitarian purchases, making the programme less "oil-for-food" than "oil-for-reimbursement of expenses and administrative costs". Moreover, contracts valued at $2.3 billion had been placed on hold by the United States and United Kingdom delegations in the Security Council Committee established by resolution 661 (1990). The only effective way to end the suffering, as the successive Coordinators of the Iraq Programme had realized, was to lift the sanctions against Iraq.

147. As for resolution 1284 (1999), by reiterating Iraq's obligations under earlier resolutions, it appeared to ignore eight years of cooperation between Iraq and the United Nations as well as its compliance with the resolutions relating to the ceasefire.

148. His delegation contested the provisions of paragraph 3 (a) of the draft resolution alleging Iraq's responsibility for grave violations of human rights and of international humanitarian law. Since there was no evidence to support the allegations, one could only conclude that the draft resolution was a biased political text orchestrated by States whose goal was to overthrow the Iraqi leadership.

149. As for paragraph 3 (b), freedom of thought, expression, information, association and assembly were guaranteed under the Constitution and the relevant laws. There had been a significant increase in the number of daily and weekly newspapers in circulation, while non-governmental organizations played a major role in the life of the country, including through work with Iraq's many minorities. The Government resisted any infringement of its sovereignty, territorial integrity and national unity, and banned all foreign publications which were inconsistent with the religious and moral precepts of Iraqi society.

150. As for paragraphs 3 (c), (d), (e) and (f), Iraq was committed to a system of justice based on the rule of law and the norms and precepts set forth therein. Defendants could appeal against a death sentence to the highest appellate court, while articles 232 and 233 of the Penal Code provided penalties for anyone found guilty of torture.

151. With regard to paragraph 4 (a) of the text, prevailing Iraqi law and practice clearly demonstrated Iraq's effective compliance with its obligations under international human rights instruments. Iraq guaranteed

the rights of all of its citizens on an equal footing, without discrimination of any kind.

152. As for paragraph 4 (c), Iraq cooperated fully with United Nations human rights mechanisms through ongoing dialogue and submission of periodic reports. Iraq had always replied to requests for clarification from special rapporteurs, including through numerous meetings with Mr. Max Van der Stoel, the former Special Rapporteur on the situation of human rights in Iraq. The Government had refused to allow the stationing of human rights monitors throughout the country in order to safeguard its national sovereignty.

153. As for paragraph 4 (d) of the draft resolution, Iraq's Constitution specified the workings of the judiciary, legislature and executive, establishing their independence. In spite of the harsh conditions in Iraq, the judiciary continued to operate free from executive influence. Any infringements that might have occurred were such as could happen in any country and would be rectified and punished.

154. The punishments cited in paragraph 4 (e) of the text had not been applied since 1996, as the Centre for Human Rights was well aware. There could be no reason for repeating the allegation other than to seek to harm Iraq and misrepresent the facts for political ends.

155. As for paragraph 4 (h), the Government of Iraq accorded particular importance to respect for minority rights, not only pursuant to its international commitments, but also because Iraq was a rich, multicultural and multi-ethnic society in which minorities coexisted peacefully. Indeed, Iraq was the only country in the region to have granted self-government to its Kurdish people.

156. With regard to paragraph 4 (i), Iraq, with 1,150 of its own nationals unaccounted for, believed that the issue of missing persons was a humanitarian problem that should be resolved. The work of the Tripartite Commission and its Technical Subcommittee had been interrupted because of the involvement of the United States and the United Kingdom in discussions in which they had no direct stake. Those two States had sought to politicize and obstruct the Commission's work and could hardly be regarded as impartial, given their role in the aggression against Iraq in 1998 as well as in ongoing attacks within the aerial exclusion zones.

157. Paragraph 4 (k) of the text gave the false impression that distribution of humanitarian supplies was inequitable or discriminatory. According to World Food Programme surveys, no fewer than 98 per cent of families received their full monthly rations regardless of where they lived. Indeed, all United Nations and other bodies which had visited Iraq had concluded that the distribution system was fair and equitable.

158. Based on the foregoing, the Iraqi delegation could only surmise that the draft resolution was a politically motivated text whose aim was to sully the reputation of Iraq and of its leadership, using human rights as a pretext. He hoped that all delegations would recognize the text's underlying hostility and vote against it. Iraq requested that a recorded vote should be taken.

159. **Mr. El-Murtada** (Sudan), speaking in explanation of vote before the voting, said that his delegation would vote against the draft resolution because of the selectivity and double standards which it applied to human rights issues. The draft resolution politicized human rights, and its selectivity was itself a violation of human rights. No country was free of human rights violations, in one way or another, and putting an end to them called for serious effort and dialogue.

160. **Ms. Mitry** (Egypt) said that her delegation intended to abstain. Egypt which respected human rights and fundamental freedoms everywhere in the world, objected to the politicization of human rights issues and the practice of double standards. Human rights should not be used to exert pressure on certain countries or to intervene in their internal affairs, nor should policies be followed which sought to lay down double standards where human rights were concerned. It was important to respect the particular cultures of different countries. She emphasized the sovereign right of States to enact their own laws according to the values, cultures and needs of their societies, in harmony with human rights and fundamental freedoms. Respect for the Charter of the United Nations required Member States to refrain from any threat to the national sovereignty and independence of any country. Egypt attached importance to the unity, political independence and sovereignty of Iraq, and hoped for a fair solution to the problem of the Kuwaiti prisoners and missing persons. She emphasized the need to adopt the necessary measures to protect civilians in Iraq, especially women and children, from the harmful effects of sanctions.

161. *A recorded vote was taken on draft resolution A/C.3/55/L.50.*

In favour:

Andorra, Angola, Argentina, Australia, Austria, Bahamas, Barbados, Belgium, Belize, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Ecuador, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kuwait, Kyrgyzstan, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Malawi, Maldives, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Saudi Arabia, Senegal, Slovakia, Slovenia, South Africa, Spain, Swaziland, Sweden, The former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against:

Libyan Arab Jamahiriya, Sudan.

Abstaining:

Afghanistan, Algeria, Antigua and Barbuda, Azerbaijan, Bahrain, Bangladesh, Belarus, Benin, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, Chad, China, Congo, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Dominican Republic, Egypt, Fiji, Gambia, Ghana, Guinea, India, Indonesia, Jordan, Kenya, Lao People's Democratic Republic, Lebanon, Madagascar, Malaysia, Mozambique, Myanmar, Namibia, Nepal, Nigeria, Pakistan, Papua New Guinea, Philippines, Russian Federation, Rwanda, Saint Lucia, Sierra Leone, Singapore, Sri Lanka, Syrian Arab Republic, Thailand, Togo, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Venezuela, Viet Nam.

162. *Draft resolution A/C.3/55/L.50 was adopted by 89 votes to 2, with 56 abstentions.*

163. **Ms. Haj-Ali** (Syrian Arab Republic), speaking in explanation of vote, said her delegation had abstained in the vote because the draft resolution, in paragraph 4 (h), sought to create division among the Assyrian, Turkmen, Shiite and Kurdish minorities in Iraq. Her delegation was totally opposed to any attempt, under the pretext of protecting human rights and security, to undermine the unity and territorial integrity of Iraq, especially in the light of the situation in the north of the country, where a security zone had been established under that pretext. The draft resolution also sought to deploy human rights monitors in Iraq, thus intervening in its internal affairs in violation of the principles and purposes of the Charter of the United Nations. The Iraqi authorities must cooperate for the purpose of achieving a just and practical settlement of the humanitarian situation which had arisen concerning Kuwaiti prisoners and others.

164. **Ms. Austria-Garcia** (Philippines), speaking in explanation of vote, said that her delegation's abstention did not indicate any intention to overlook Baghdad's non-compliance. Rather, it was intended to give Iraq an opportunity to comply with the relevant General Assembly and UNHCR resolutions. It might be even more difficult to improve the human rights situation in Iraq if a crisis situation were created, especially since basic needs were not being met under the prevailing sanctions regime. A solution to the present stalemate concerning sanctions and the weapons inspections would pave the way for easing the humanitarian situation and improving economic, social and cultural rights in Iraq. The Government of Iraq should comply fully with Security Council resolution 1284 (1999), but there must also be a fresh and more focused approach to the humanitarian crisis in Iraq. That need was all the more acute as evidence emerged that the rule of Saddam Hussein was unaffected by ten years of sanctions, whereas the citizens of Iraq had to suffer from hunger and disease. The sanctions regime and the weapons inspections must not be allowed to impede the quest for a solution to the humanitarian problem. The sanctions could and should be restructured in order to minimize their impact on the civilian population. In August 2000, the Subcommission on the Promotion and Protection of Human Rights had adopted two resolutions calling for the lifting of sanctions against Iraq. Since then, numerous international humanitarian missions had visited Baghdad and had urged the same course of action. That could best be achieved in a non-

confrontational atmosphere, which would not be created by the draft resolution.

165. **Mr. Rogov** (Russian Federation), speaking in explanation of vote, said that his delegation had abstained because the resolution had placed the emphasis entirely on the civil and political rights of the people of Iraq, without paying due heed to the violations of their social and economic rights arising from the sanctions and the bombardments. The economic consequences of the sanctions were felt in every area of life in Iraq, causing widespread poverty and affecting employment, health and education. None of those problems was addressed in the resolution.

166. **Ms. Hajaji** (Libyan Arab Jamahiriya), speaking in explanation of vote, said her delegation had voted against the resolution for a number of reasons. The content did not differ in any way from previous resolutions of the General Assembly, although it was supposed to reflect the report of the Special Rapporteur. In his original report, the Special Rapporteur had stated that, because of failure by the Government of Iraq to cooperate with him, he had not been invited to visit the country, and the information recorded in his report would therefore have to be verified with the supposed victims of the human rights violations or their representatives, and after receiving answers from the Government. Nevertheless, the sponsors of the resolution had drawn from previous resolutions which lacked objectivity and credibility.

167. The mandate of the Special Rapporteur should extend to verifying violations of civil and political rights, as well as economic, social and cultural rights. However, the present text and previous resolutions concentrated on the former group of rights and excluded the latter. That was probably because those who were violating the economic, social and cultural rights of the Iraqi people were external parties whom the sponsors of the resolution did not wish to name. Consequently, the text of the resolution lacked objectivity and balance. Moreover, paragraph 4 (h) called for the rights of all ethnic and religious groups to be respected. Iraq had been, and still was, a crucible of various ethnic and religious groups which had lived in the region for many years. As in previous resolutions, the resolution sought to sow disunity among them and to Balkanize the country.

168. The lack of balance in the resolution was evident from the failure to mention the continuing bombardment by foreign jet aircraft in the unlawful "no-fly" zones in the north and south of Iraq, resulting in the deaths of hundreds of civilians, acts of aggression which clearly violated the right to life as well as Iraq's sovereignty and territorial integrity. Her delegation, moreover, had strong reservations concerning the call to deploy human rights monitors in Iraq, which implied interference in its internal affairs and violation of its sovereignty. The draft resolution referred to treaty monitoring bodies. Those bodies had reported on the disastrous effects of the sanctions on the people of the country and on their right to life, to freedom of movement, education, freedom of religion and development. The sponsors of the draft resolution had apparently ignored those reports.

169. Finally, she called on Iraq to cooperate with the Tripartite Commission and its Technical Subcommittee in discussing the fate of the missing Kuwaiti citizens, as a preliminary to the restoration of normal relations between Iraq and Kuwait and of stability and peace in the region.

170. **Mr. Rahmtalla** (Sudan) said every effort should be made to lift the sanctions and end their appalling effects on the people, especially women and children. He reiterated the need to find a just and rapid solution to the question of the Kuwaiti prisoners, through dialogue with all the parties involved and according to the established mechanisms for the settlement of humanitarian problems.

The meeting rose at 8.30 p.m.